

### AMENDMENTS

This listing of the claims will replace all prior versions, and listing, of claims in the application or previous response to office action:

#### LISTING OF CLAIMS

1. (Currently Amended) An electrosurgical instrument for applying electrical energy to tissue at a target site, the instrument comprising:

a handle, and an elongate member extending from said handle;

a distal tip section comprising a tissue-contacting surface; and

at least one active electrode recessed within the tissue-contacting surface and having a curved configuration; and

a return electrode spaced from said active electrode wherein said return electrode has an exposed surface area substantially larger than said active electrode so as to have a minimal tissue effect on the tissue

at least one opening within the tissue-contacting surface for venting the target site, said opening extending from the tissue-contacting surface to a second surface, opposite of said tissue-contacting surface, and said opening being in fluid communication with an aspiration lumen extending through said elongate member wherein fluid may pass to said aspiration lumen from said opening of either of said tissue-contacting surface or said second surface.

2. (Previously Presented) The instrument of claim 1 wherein said return electrode is spaced proximally from said active electrode.

3. (Original) The instrument of claim 2 further comprising:

a fluid source for providing electrically conductive fluid between the return electrode and the at least one active electrode; and

one or more connectors coupled to the at least one active electrode for connecting the active electrodes to a high frequency power supply.

4. (Currently Amended) The instrument of claim 1 ~~wherein said further comprising:~~ at least one opening within the tissue-contacting surface ~~is circular for venting the target site.~~

5. (Original) The instrument of claim 4 wherein the at least one opening is concentric with the at least one active electrode.

6. (Original) The instrument of claim 1 further comprising:  
at least one recess within the tissue-contacting surface for facilitating fluid flow to the at least one active electrode.

7. (Original) The instrument of claim 1 wherein the at least one active electrode is positioned within a cavity within the tissue-contacting surface.

8. (Original) The instrument of claim 1 wherein the at least one active electrode is flush with the tissue-contacting surface.

9. (Original) The instrument of claim 1 wherein the at least one active electrode is recessed below the tissue-contacting surface.

10. (Original) The instrument of claim 2 wherein the return electrode is positioned about the tissue-contacting surface.

11. (Original) The instrument of claim 1 wherein the at least one active electrode has an annular configuration.

12. (Currently Amended) An electrosurgical instrument for applying electrical energy to tissue at a target site, the instrument comprising:

a shaft, a shaft proximal end and a shaft distal end;

an electrically nonconductive annular support, said support comprising a fluid entry port on a tissue-contacting surface, a fluid vent port on a second surface opposing said tissue-contacting surface, and a central void connecting said entry port to said vent port wherein the central void is in fluid communication with an aspiration lumen to aspirate fluids and materials;

an outer surface; and

an active electrode having an annular configuration and recessed within the tissue-contacting surface.

13. (Original) The instrument of claim 12 further comprising:

a return electrode having an annular configuration and positioned about the outer surface.

14. (Original) The instrument of claim 13 further comprising:

a fluid source for providing electrically conductive fluid between the return electrode and the at least one active electrode; and

one or more connectors coupled to the at least one active electrode for connecting the active electrodes to a high frequency power supply.

15. (Currently Amended) The instrument of claim 12 wherein the ~~central void is in fluid communication with an aspiration lumen to aspirate fluids and materials~~ is in fluid communication with a vacuum source.

16. (Original) The instrument of claim 12 wherein the tissue treatment member further comprises at least one recess therein for facilitating fluid flow to the at least one active electrode.

17. (Original) The instrument of claim 12 wherein the at least one active electrode is flush with the tissue-contacting surface.

18. (Original) The instrument of claim 12 wherein the at least one active electrode is recessed below the tissue-contacting surface.

19. (Original) The instrument of claim 13 wherein the outer surface extends beyond return electrode to define an active portion of the tissue treatment member adjacent the active electrode.

20. (Currently Amended) An electrosurgical instrument for applying electrical energy to tissue at a target site, the instrument comprising:  
a shaft, a shaft proximal end and a shaft distal end;  
an electrically non-conductive support disposed at the distal end, said support having an annular configuration and a tissue-contacting surface having an annular recess therein, and a suction port;  
an active electrode positioned within the annular recess; and  
a return electrode positioned about an outer surface of said support; and  
a second surface on a side opposite to said tissue-contacting surface, said second surface comprising a vent port in fluid communication with said suction port.

21. (Original) The instrument of claim 20 wherein said support comprises ceramic.

22. (Original) The instrument of claim 21 wherein said return electrode has a clip shape.

23. (Original) The instrument of claim 22 having only one active electrode.